

BEFORE THE SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

IN THE MATTER OF THE COMPLAINT AGAINST JOHNSON DIGGING)))	ORDER OC04-007
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On August 30, 2004, the South Dakota Public Utilities Commission received a complaint from Southeastern Electric Cooperative, Inc. against Johnson Digging. Johnson Digging did not dispute the allegations in the complaint.

On October 20, 2004, the Enforcement Committee of the South Dakota One-Call Notification Board met and determined that probable cause exists in Docket OC04-007 in regards to the allegation that Johnson Digging has violated SDCL 49-7A-5. The Enforcement Committee recommended a \$500.00 penalty with \$300.00 suspended on the grounds that Johnson Digging fully comply with SDCL 49-7A and ARSD Article 20:25 for twelve months following the date of this Order and that the penalty imposed under this Docket be paid within the timeframe specified in this Order.

All interested parties agreed with the recommendations of the Enforcement Committee. By November 20, 2004, all interested parties had signed the Enforcement Committee Action Agreement. It is therefore,

ORDERED, that the terms and conditions of the Enforcement Committee Action Agreement shall be incorporated into this Order by reference and attached hereto, the same as if it was fully recited herein and shall as such be fully binding upon the parties to it; and it is

FURTHER ORDERED, that Johnson Digging has thirty (30) days from the date of this Order to comply with the provisions of the Enforcement Committee Action Agreement; and it is

FURTHER ORDERED that upon compliance with the provisions of the Enforcement Committee Action Agreement the docket in this matter shall be closed.

The South Dakota One-Call Notification Board has jurisdiction in this matter pursuant to SDCL Chapters 1-26 and 49-7A, specifically 49-7A-5, 49-7A-18, 49-7A-20, 49-7A-22, 49-7A-26.

Dated at Sioux Falls, South Dakota, this 24th day of November, 2004.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____
Larry Englerth, Executive Director

Date: November 24, 2004

BY ORDER OF THE SD ONE-CALL BOARD:

KEVIN KOUBA, Chairman

Under the Authority and on Behalf of the
Chairman

LARRY ENGLERTH, Executive Director